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APPLICATION NO.         FILING DATE           09/849,437         05/07/2001		ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
		Masamitsu Nakaminami	0071/007001	8635		
22893	7590	07/30/2003				
	PATENT O	-	EXAMINER			
1901 PENNSYLVANIA AVENUE N W SUITE 200				MILLER, BENA B		
WASHIN	WASHINGTON, DC 20006			ART UNIT	NIT PAPER NUMBER	
				3712		
				DATE MAILED: 07/30/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summany	09/849,437	NAKAMINAMI ET AL.
Office Action Summary	Examin r	Art Unit
The MAN INC DATE of the	Bena Miller	3712
The MAILING DATE of this communication appeared for Reply	ears on the cover shiet with thi c	orrespondence address
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).  Status	6(a). In no event, however, may a reply be tin within the statutory minimum of thirty (30) day ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).
1) Responsive to communication(s) filed on 29 M	<u>1ay 2003</u> .	
2a)☐ This action is <b>FINAL</b> . 2b)⊠ Thi	s action is non-final.	
3) Since this application is in condition for allowa closed in accordance with the practice under E	nce except for formal matters, pr Ex parte Quayle, 1935 C.D. 11, 4	rosecution as to the merits is 153 O.G. 213.
Disposition of Claims		
4)⊠ Claim(s) <u>1-12</u> is/are pending in the application.		
4a) Of the above claim(s) is/are withdraw	n from consideration.	
5) Claim(s) is/are allowed.		
6)⊠ Claim(s) <u>1-12</u> is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restriction and/or Application Papers	election requirement.	
9)☐ The specification is objected to by the Examiner		
10)☐ The drawing(s) filed on is/are: a)☐ accept	ted or b)⊡ objected to by the Exar	miner.
Applicant may not request that any objection to the	drawing(s) be held in abeyance. Se	ee 37 CFR 1.85(a).
11) The proposed drawing correction filed on	is: a)☐ approved b)☐ disappro	ved by the Examiner.
If approved, corrected drawings are required in repl		
12)☐ The oath or declaration is objected to by the Exa	ıminer.	•
Priority under 35 U.S.C. §§ 119 and 120		
13) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a	)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:		
<ol> <li>Certified copies of the priority documents</li> </ol>	have been received.	
2. Certified copies of the priority documents	have been received in Application	on No
<ul> <li>3. Copies of the certified copies of the priori</li> <li>application from the International Bure</li> <li>* See the attached detailed Office action for a list of</li> </ul>	eau (PCT Rule 17.2(a)).	-
14) Acknowledgment is made of a claim for domestic	priority under 35 U.S.C. § 119(e	e) (to a provisional application).
<ul> <li>a)  The translation of the foreign language prov</li> <li>15)  Acknowledgment is made of a claim for domestic</li> </ul>		
Attachment(s)		
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal P	(PTO-413) Paper No(s) latent Application (PTO-152)
S. Patent and Trademark Office		

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#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Izor.

Izor teaches in figures 1-11 a machine tool comprising a fixed bed (12), at least one tool post (22) mounted on at least one carriage (24), a headstock (16) and a headstock base (20) where the headstock base and headstock are attached to each other and moved together (col. 3, lines 17-51).

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Izor.

Izor teaches in the figures most of the elements of the disclosed invention.

However, Izor fails to teach a pair of tool posts. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a pair of tool posts, since it has been held that mere duplication of the essential working parts of

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a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

Claims 2, 3, 5, 6, 9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ivor in view of Neumann.

Ivor teaches in the figures most of the elements of the claimed invention. However, Ivor fails to teach a chip collector having a tunnel formed therein. Neumann teaches in the figures a machine center having a chip conveyor (52) that collects chips from the main machine room extending through an extension (col. 10, par. 7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a chip collector as taught by Neumann in the machine tool of Ivor for the purpose of collecting chips.

#### Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hoffman teaches a transport system for workpieces. Matsumoto teaches a tool spindle fixing device for composite machine tool.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 703.305.0643. The examiner can normally be reached on Monday-Friday.

bbm July 27, 2003

DERRIS H. BANKS

SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3700